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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,154	01/13/2005	Akihiro Fukasawa	3718-0106PUS1	9037

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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

KLIMOWICZ, WILLIAM JOSEPH

ART UNIT	PAPER NUMBER
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2627

NOTIFICATION DATE	DELIVERY MODE
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10/04/2007

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/521,154

Applicant(s)

FUKASAWA, AKIHIRO

Examiner

William J. Klimowicz

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 1-3, 8 and 9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-7 and 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 August 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Status

Claims 1-10 are currently pending.

Applicant's election without traverse of Specie III (Figure 5) in the reply filed on March 7, 2007 is acknowledged.

The Applicant states:

For the purpose of examination of the present application, Applicants elect Species III, illustrated in Fig(s). 5, without traverse.

Claims 4-7 and 10 read on the elected species.

See page 2 of the Response filed March 7, 2007. Claims 1-3, 8 and 9 are currently withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on March 7, 2007.

Abstract

The replacement abstract filed on August 15, 2007 has been approved by the Examiner.

Drawings

The replacement drawings filed on August 15, 2007 have been approved by the Examiner.

Claim Rejections

Insofar as the claims can be best understood in light of the Applicant's disclosure, the following rejections, articulated in detail, are deemed *prima facie* appropriate, based on a preponderance of the evidence.

As recited **MPEP§2106**:

Office personnel are to give claims their ***broadest reasonable interpretation*** in light of the supporting disclosure. *In re Morris*, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). ***Limitations appearing in the specification but not recited in the claim are not read into the claim.*** *In re Prater*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969). *In re Zletz*, 893 F.2d 319, 321-22, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989) ("During patent examination the pending claims must be interpreted as broadly as their terms reasonably allow. . . . The reason is simply that during patent prosecution when claims can be amended, ambiguities should be recognized, scope and breadth of language explored, and clarification imposed. . . . An essential purpose of patent examination is to fashion claims that are precise, clear, correct, and unambiguous. Only in this way can uncertainties of claim scope be removed, as much as possible, during the administrative process."). [Emphasis in bold italics added].

As set forth in the **MPEP§ 706**, "the standard to be applied in all cases is the '*preponderance of the evidence*' test. In other words, *an examiner should reject a claim* if, in view of the prior art and evidence of record, *it is more likely than not that the claim is unpatentable.*" Emphasis in bold italics added.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 4-7 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Lee et al. (KR 2002-69547 A).

As per claim 4, Lee et al. (KR 2002-69547 A) discloses a disc loading device (FIGS. 3, 4) comprising: a tray (60) in which a disc is placed; a main chassis (40) into which the tray (60) is loaded and from which the tray (60) is unloaded; a guide groove (63) disposed parallel to a loading/unloading direction in the tray (60) or the main chassis (40); guides (43, 43) that are disposed at the main chassis (40) or the tray (60) and engage with the guide groove (63); and an elastic body (46, 46) that is disposed in the vicinity of a loading start position or an unloading end position of the tray (60) and that presses a side wall of the guide groove (63) (see FIG. 4) and the guides (43, 43) in the right angle direction to loading/unloading of the tray (60) and parallel to a plane on which the disc is placed (e.g., see abstract and FIGS. 4 and 5).

As per claim 5, wherein at the time of loading/unloading of the tray (3), a displacement amount of the elastic body (46, 46) in the vicinity of a loading start position or an unloading end position of the tray (60) is larger than a displacement amount at another portion (due to the elastic body compression, as opposed to its uncompressed state when not engaging the tray (60)).

As per claim 6, wherein the guides (43, 43) are plurally disposed in the vicinity of the loading start position or the unloading end position of the tray (60), and the elastic body (46, 46) is disposed between adjacent guides (43, 43) - see FIG. 4.

As per claim 7, wherein the elastic body (46, 46) is plurally disposed in the vicinity of the loading start position or the unloading end position of the tray (60), and the guides (43, 43) are disposed between adjacent elastic bodies (e.g., see FIG. 4).

As per claim 10, wherein the elastic body (46, 46) is disposed integrally with the main chassis (40) or the tray (60) - see FIG. 5.

Response to Arguments

Applicant's arguments with respect to claims 4-7 and 10 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

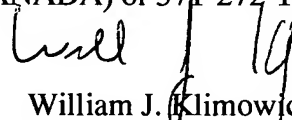
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Klimowicz whose telephone number is (571) 272-7577. The examiner can normally be reached on Monday-Friday (7:30AM-6:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William R. Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


William J. Klimowicz
Primary Examiner
Art Unit 2627

WJK

Approved
WK
9-24-07

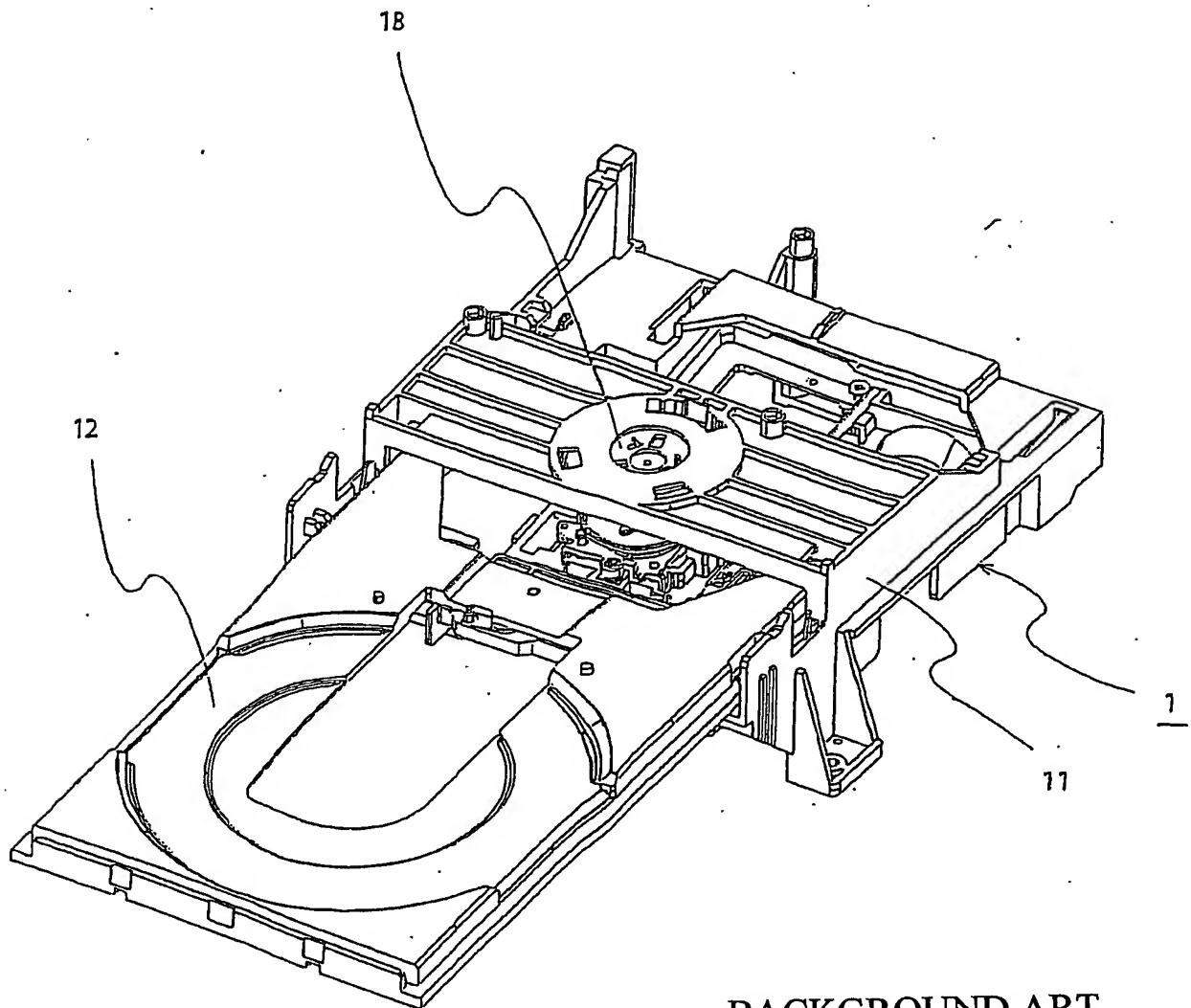
App No.: 10/521,154
Inventor: Akihiro FUKASAWA
Title: DISC LOADING DEVICE
REPLACEMENT SHEET

Docket No.: 3718-0106PUS1

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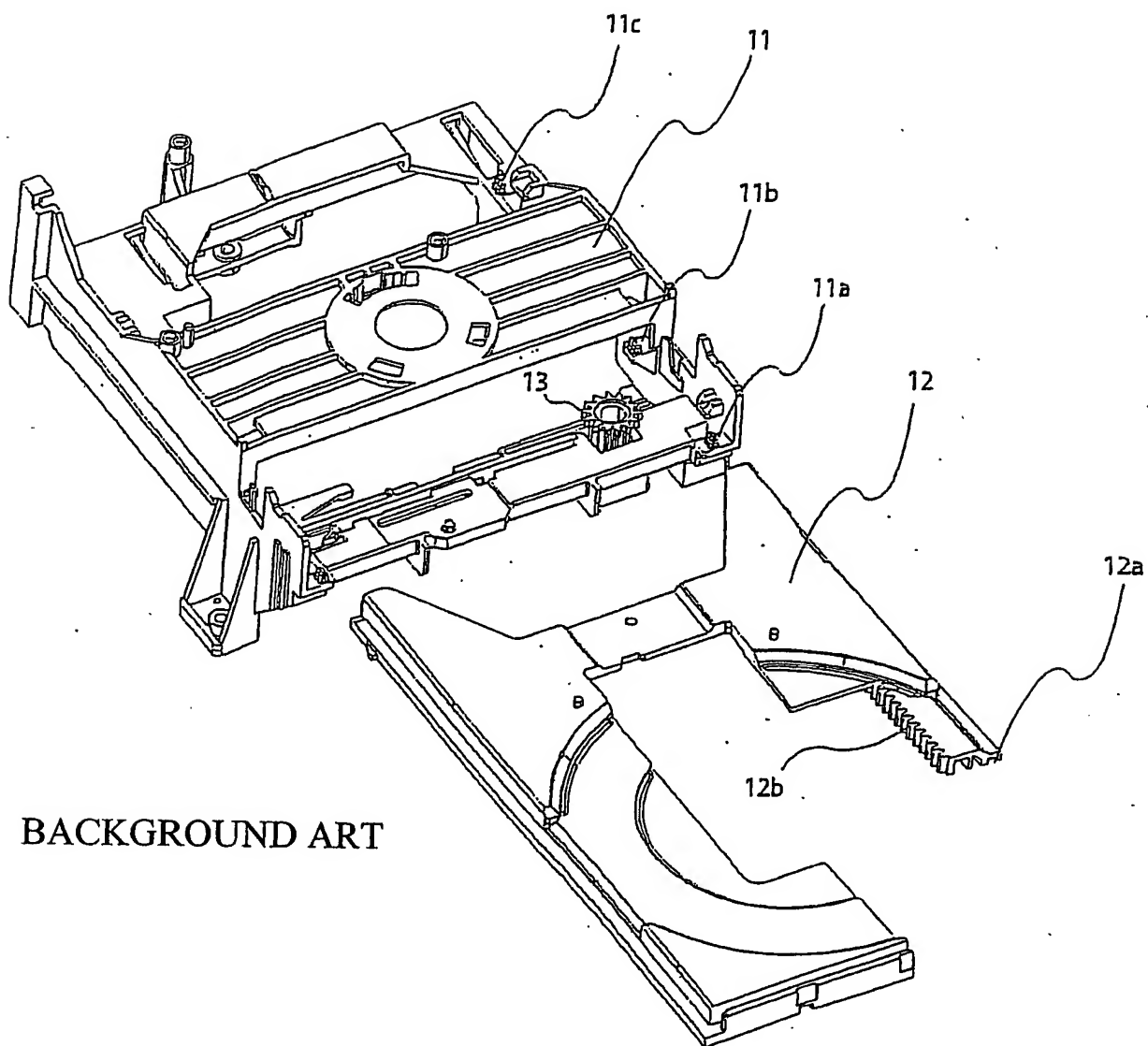


BACKGROUND ART

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LK
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Fig. 7



BACKGROUND ART

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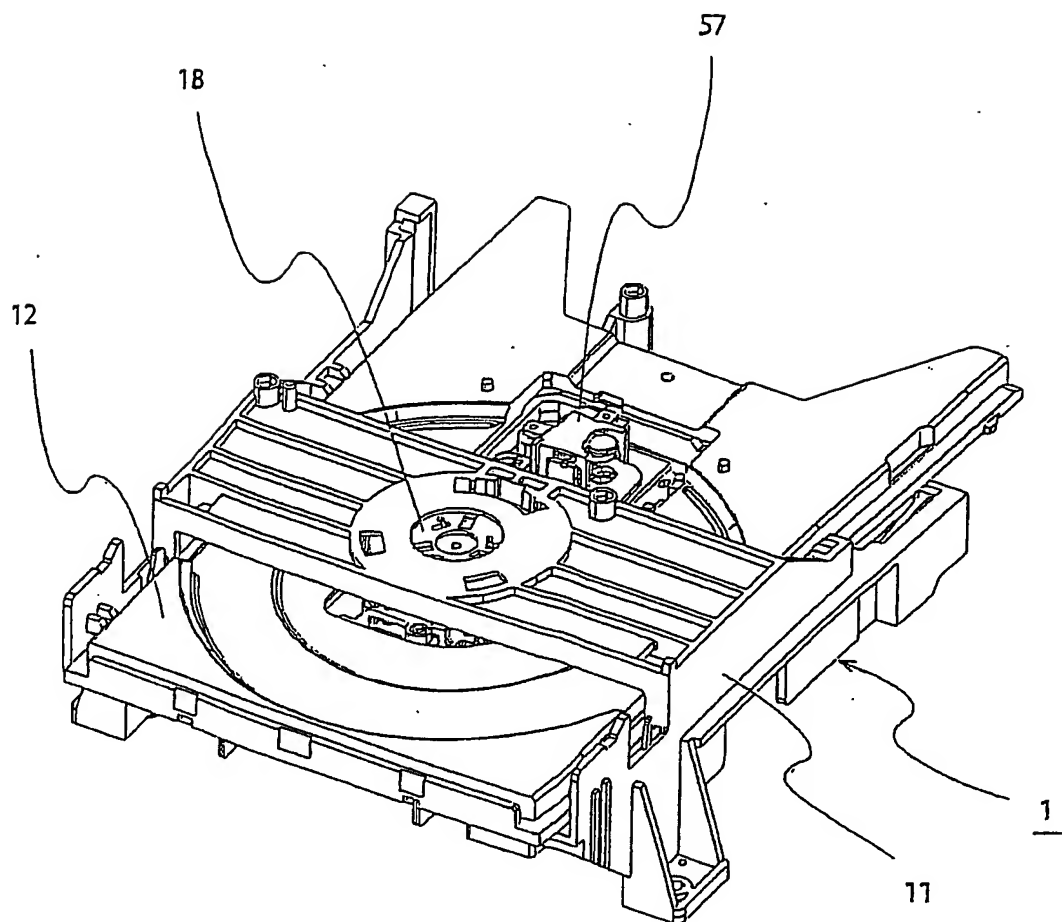
App No.: 10/521,154
Inventor: Akihiro FUKASAWA
Title: DISC LOADING DEVICE
REPLACEMENT SHEET

Docket No.: 3718-0106PUS1

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BACKGROUND ART